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IN THE CIRCUIT COURT
TWENTIETH JUDICIAL CIRCUIT
ST. CLAIR COUNTY, ILLINOIS

MICHAEL DEMERY,)
)
Plaintiff,)
)
vs.) No. 18-L-387
)
ANDY TRAN and WEST BELLEVILLE)
NAIL SPA,)
)
Defendants.)

COMPLAINT

Comes now the Plaintiff, MICHAEL DEMERY, by and through his attorneys, PRATT & TOBIN, P.C., and for his cause of action against the Defendants, ANDY TRAN and WEST BELLEVILLE NAIL SPA, states as follows:

1. That on or about February 22, 2017, and prior thereto, the Defendant, WEST BELLEVILLE NAIL SPA, operated, managed, maintained and controlled, both directly and indirectly, individually and through its agents, servants and employees, a certain business and building known as West Belleville Nail Spa in Belleville, County of St. Clair, State of Illinois.
2. That as of February 22, 2017, and as of the time and place of the incident alleged herein, the Defendants, ANDY TRAN and WEST BELLEVILLE NAIL SPA, owed the Plaintiff, MICHAEL DEMERY, a duty of ordinary care in the operation and maintenance of its business and building contents.

3. That at the aforementioned time and place and prior thereto, the Defendants, ANDY TRAN and WEST BELLEVILLE NAIL SPA, knowing its duty in this regard, carelessly and negligently caused and permitted said business and building contents to become and remain in an unsafe/dangerous condition for customers using said premises, although the Defendants, ANDY TRAN and WEST BELLEVILLE NAIL SPA, knew, or in the exercise of ordinary and reasonable care should have known, of said unsafe/dangerous condition.

4. That at the aforesaid time and place, the Plaintiff, MICHAEL DEMERY, was a customer of West Belleville Nail Spa when in the process of obtaining a pedicure, he contracted cellulitis.

5. That the Defendants, ANDY TRAN and WEST BELLEVILLE NAIL SPA, were then and there guilty of one or more of the following careless and negligent and/or omissions:

- a. Allowed and permitted unsafe practices to persist; and/or
- b. Failed to properly and adequately clean equipment; and/or
- c. Failed to disinfect its clippers and tools; and/or
- d. Improperly operated, managed, maintained and controlled the aforesaid premises; and/or
- e. Failed to have a documented cleaning program; and/or
- f. Failed to sanitize its pedicure equipment.

6. That on the aforementioned date and as a result of the aforesaid acts of the Defendants, ANDY TRAN and WEST BELLEVILLE NAIL SPA, the Plaintiff, MICHAEL DEMERY, contracted cellulitis after receiving the pedicure.

7. That as a direct and proximate result of one or more of the aforesaid careless and negligent acts and/or omissions of the Defendants, ANDY TRAN and WEST BELLEVILLE NAIL SPA, the Plaintiff, MICHAEL DEMERY, then and there sustained severe and permanent injuries, both externally and internally, and was, and will be hindered and prevented from attending to usual duties and affairs and has lost, and will in the future lose, the value of that time as aforementioned. Plaintiff also suffered great pain and anguish, both in mind and body, and will in the future continue to suffer. Plaintiff further expended and became liable for, and will expend and become liable for, large sums of money for medical care and services endeavoring to become healed and cured of said injuries and has sustained lost income, disability, and will suffer future lost income and loss of earning capacity.

WHEREFORE, the Plaintiff, MICHAEL DEMERY, demands judgment against the Defendants, ANDY TRAN and WEST BELLEVILLE NAIL SPA, in a sum in excess of FIFTY THOUSAND DOLLARS (\$50,000.00) and for costs of suit.

MICHAEL DEMERY, Plaintiff

PRATT & TOBIN, P.C.

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